

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ONEBEACON AMERICA INSURANCE
COMPANY,
Plaintiff,

CIVIL ACTION
NO: 04-11753-JLT

vs.

BLUE WATER ENTERPRISES, INC.
Defendant.

JOINT MOTION TO AMEND THE AUGUST 22, 2005 ORDER & TO
RESCHEDULE THE DECEMBER 6, 2005 STATUS CONFERENCE

Now come the parties, in the above-entitled action, by and through their undersigned attorneys, and respectfully move this Honorable Court to amend its August 22, 2005 Order, and further moves that the December 6, 2005 Status Conference be rescheduled for a date in March of 2006. As grounds in support of this motion, the parties submit the following for the Court's consideration.

As noted in the Status Report filed by the plaintiff on October 13, 2005, two (2) of the shipyards that the parties initially agreed upon to inspect the defendant's vessel were not interested. Additionally, the third shipyard agreed upon by the parties has failed to respond to their request for an inspection. As a result, the parties were forced to select three (3) substitute shipyards, which has been accomplished at this time. The substitute shipyards, all of which have

agreed to inspect the defendant's vessel, are D.N. Kelley & Sons, Inc., Brewer Plymouth Marine, and Crosby Yacht.

Because the shipyards initially selected by the parties were not interested in inspecting the defendant's vessel, the parties were unable to comply with the deadlines contained in the Court's August 22, 2005 Order. The parties respectfully request that, under these circumstances, the Court's August 22, 2005 Order be amended. The parties have attached hereto a proposed Amended Order. The parties further request that the December 6, 2005 Status Conference be rescheduled to a date in March of 2006, at which time the repair bids from the shipyards will have been filed with the Court.

WHEREFORE, the parties pray that this Honorable Court amend its August 22, 2005 Order and endorse the Amended Order attached hereto, and further pray that the December 6, 2005 Status Conference be rescheduled to a date in March of 2006. Respectfully submitted,

FOR THE PLAINTIFF

FOR THE DEFENDANT

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Dated: November 10, 2005